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# **Racial Disparities in the Texas Criminal Justice System**

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New study reveals reallocation of state funds key to increasing the effectiveness and efficiency of the Texas criminal justice system

**Prepared for:**



**The NAACP Texas State Conference**

**and**



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## *“Racial Disparities in the Texas Criminal Justice System”*



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The NAACP, the nations' oldest and largest civil rights organization, created the NAACP National Voter Fund ("NVF"), in May 2000, to engage in issue advocacy, educate voters on candidates' stands on civil rights, and increase voter turnout in the African American community. During the 2000 election cycle, NVF led a nationwide effort resulting in an historic increase in African American voter participation, despite well-documented cases of unfair purges and barriers. In 2002 NVF launched its Civic Participation and Rehabilitation Program to address issues relating to criminal justice reform, focusing on re-enfranchising ex-offenders and promoting re-enfranchisement legislative efforts.

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## Executive Summary

### *“Racial Disparities in the Texas Criminal Justice System”*

Texas’ ‘Tough on Crime’ policy initiatives have had a significant impact on the State of Texas. In particular, the state’s policy initiatives, which have included increased law enforcement efforts, strengthening of the punishment associated with certain crimes, and a significant expansion of the state’s prison system, have been successful in a number of areas. For example, over the last decade many municipalities in the state of Texas have reported significant reductions in the number of property and violent crimes committed within their jurisdictions. Empirical data as well as anecdotal evidence shows that the deterrent effect of increasing law enforcement efforts and lengthening incarceration sentences is a significant contributing factor in the reduction of the crime rates experienced by these Texas municipalities.

Unfortunately, increasing law enforcement effort and incarceration rates have not been equally effective at reducing all types of criminal activity. In fact, the long jail terms that have resulted from the Texas’ ‘Tough on Crime’ initiatives may have actually hindered the state in dealing with certain types of crimes. For example, studies have shown that incarceration alone has little or no deterrent effect on individuals with drug and substance abuse problems. Because of the cyclical nature of these types of problems, in the long run the current criminal justice policies may actually perpetuate the strong negative socio-economic effects produced by drug abuse and incarceration.

Minority communities in Texas have been heavily impacted by both the successes and the failures of the Texas’ criminal justice system. For example, minority communities have clearly benefited from the falling crime rates that have resulted from increased law enforcement efforts. However, these benefits are somewhat offset by the strong negative socio-economic effects that rising incarceration

rates have had in these same minority communities.

Our research suggests ways to enhance the current criminal justice system and help alleviate the indirect negative effects currently felt by the minority communities in Texas. Generally, we find that the Texas criminal justice system could be enhanced by shifting priorities to a greater reliance on alternatives to incarceration, such as drug treatment programs, expanded parole and probation programs. Specifically, we find the following:

**1. The current criminal justice system is costly to Texas tax payers and imposes an indirect cost on minority communities.**

**2. Reallocating criminal justice priorities and expenditures can allow the state to realize significant cost savings.**

— *Texas could realize annual direct cost savings of over \$25 million by implementing a drug treatment program for certain non-violent offenders.*

**3. Implementing certain changes, such as fully funding drug courts and substance abuse treatment programs, will allow the criminal justice system to be more effective.**

— *Successful drug court program participants have recidivism rates which are more than two times lower than non-participants.*

**4. Reallocation of state funds could generate local benefits for counties and cities as well as help reduce the socio-economic and racial disparities in incarceration rates.**

— *Texas counties could gain indirect benefits through increased economic productivity.*

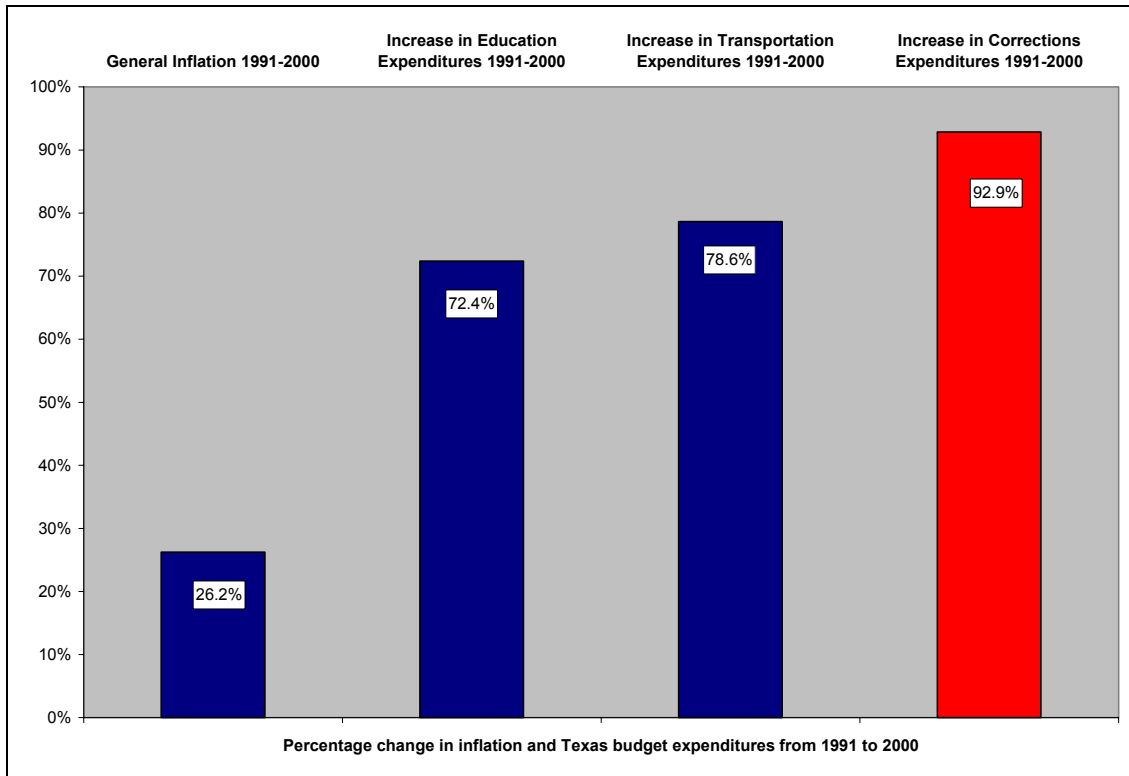
## **Research Finding 1:**

**The current criminal justice system is costly to Texas taxpayers and imposes an indirect cost on minority communities.**

- The State of Texas spends a significant amount of resources on criminal justice expenditures.
  - Increases in Texas criminal justice expenditures have outpaced increases in education and transportation over the last decade. (Figure 1)
  - The current Texas criminal justice budget of \$2.5 billion exceeds education expenditures by the major Texas school districts. (Figure 2)
- High incarceration rates in minority communities in Texas result in significant economic productivity losses.
  - Minorities, especially African-Americans are overrepresented in the Texas prison population. (Figure 3)
  - Estimates of lost economic productivity due to incarceration in the African-American community exceed \$1 billion dollars. (Figure 4)

## Texas Criminal Justice Fact 1:

Increases in criminal justice expenditures have outpaced inflation as well as increases in education and transportation expenditures in Texas.



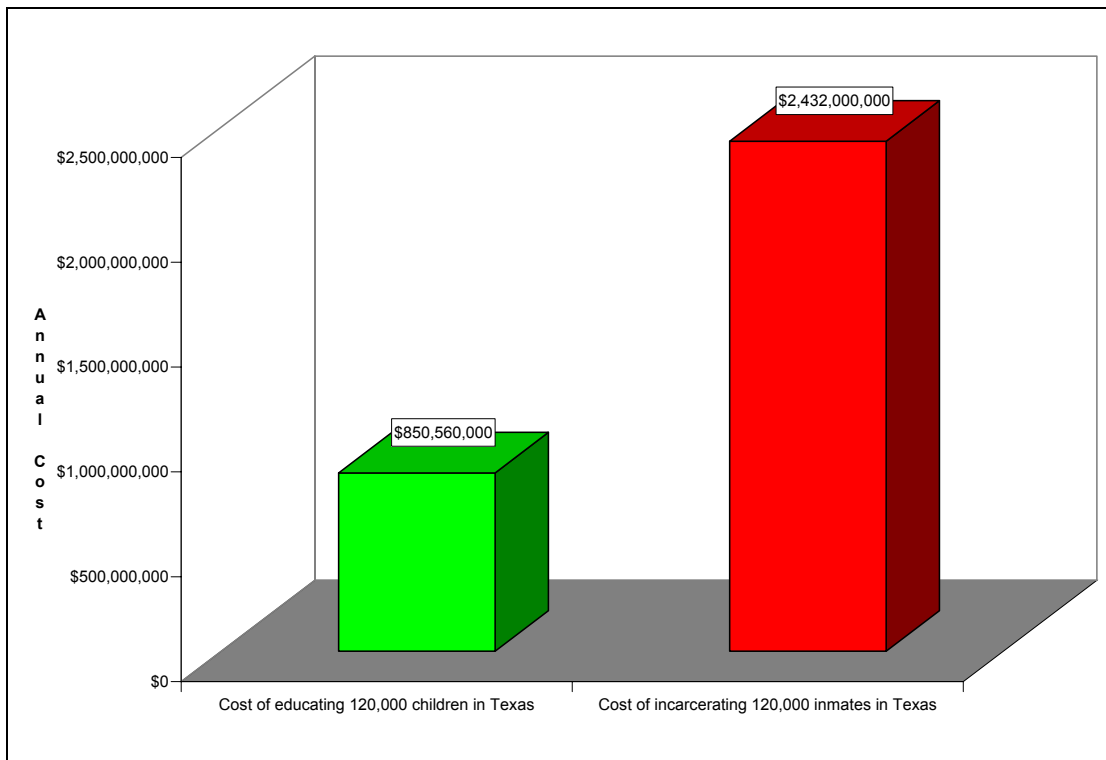
• Figure 1

### Sources:

1. Texas Expenditure History by Function, Texas Comptroller of Public Accounts.
2. Consumer Price Index, U.S. Bureau of Labor Statistics.

**Texas Criminal Justice Fact 2:**

The current Texas criminal justice budget of \$2.5 billion exceeds the education expenditures of the largest school districts in Texas.



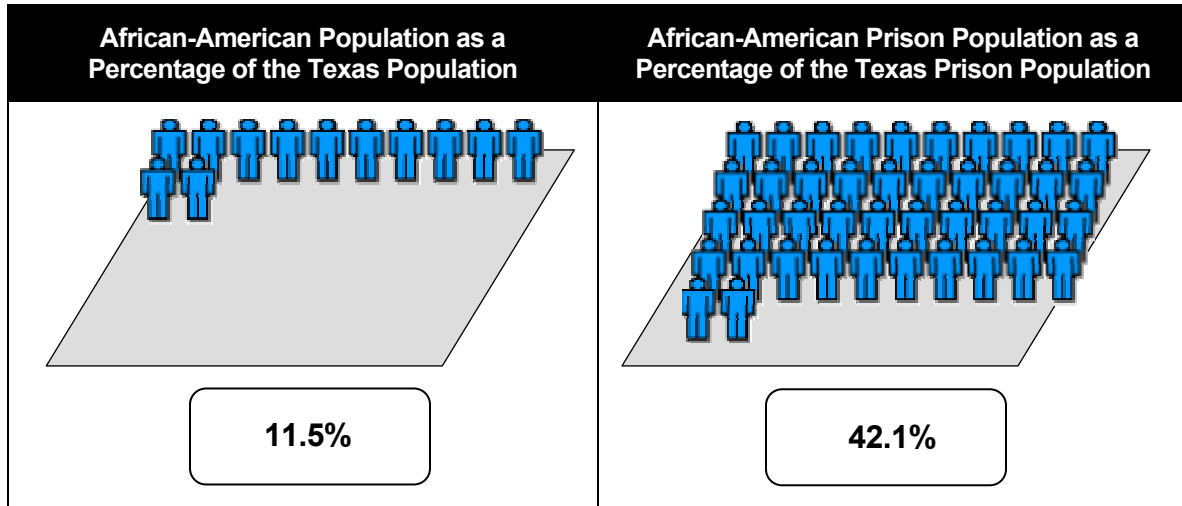
• Figure 2

**Sources:**

1. Texas Expenditure History by Function, Texas Comptroller of Public Accounts.
2. Texas Education Agency, <http://www.tea.state.tx.us/data.html>.

### Texas Criminal Justice Fact 3:

Minorities, especially African-Americans, are overrepresented in the Texas prison population.



• Figure 3

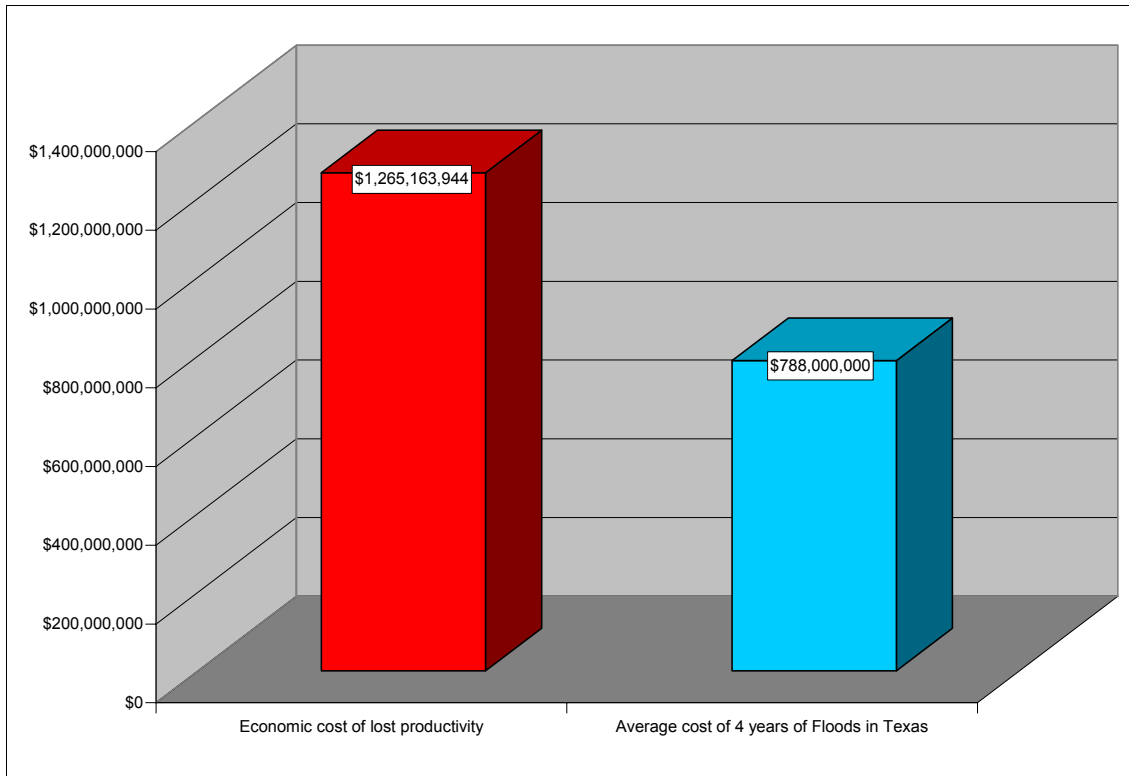
**Sources:**

1. U.S. 2000 Census.
2. Texas Criminal Justice Policy Council, Annual Report.



### Texas Criminal Justice Fact 4:

Estimates of lost economic productivity due to incarceration in the African-American community exceed \$1.0 billion a year.



• Figure 4

**Sources:**

1. U.S. Bureau of Labor Statistics.
2. U.S. 2000 Census.
3. Texas Criminal Justice Policy Council, Annual Report.
4. National Center for Atmospheric Research, News Release 1999-13.

## **Research Finding 2:**

**Alternatives to incarceration can produce direct cost savings for the State of Texas and local municipalities.**

- Drug treatment programs for non-violent offenders are significantly less expensive than incarceration.
  - The state of Texas could realize cost savings of over \$25 million per year. (Figure 5)
  - Counties could also realize savings on incarceration costs. (Figure 6)
- Expanded probation and parole programs are significantly less expensive than incarceration. [Source: Criminal Justice Policy Council (2002), *“Funding and Cost per Day”*]
- Reduction in existing sentences could produce immediate cost savings. (Figure 7)

### Alternatives to Incarceration Fact 1:

Drug treatment programs for non-violent offenders are significantly less expensive than incarceration – Potential net benefits for the state of Texas.

Cost of Drug Treatment Programs		Benefits of Drug Treatment Programs	
Item	Cost	Item	Benefit
Cost of providing drug treatment to non-violent drug offenders	\$52,840,788	Reduction in current incarceration costs	\$77,925,920
		Reduced health costs, increased earnings, reduction in direct crime-related costs	\$158,522,364
[1] Total Cost to the State of Texas	\$52,840,788	[2] Total Benefit to the State of Texas	\$236,448,284
		Net Gain ([2] Total Benefit - [1] Total Cost) to the State of Texas	\$183,607,496

### • Figure 5

#### Sources:

1. Texas Expenditure History by Function, Texas Comptroller of Public Accounts.
2. Tony Fabelo, Ph.D., Impact on TDCJ Population of Proposed Changes in Criminal Justice Policies, March 17, 2003.
3. RAND organization, Drug Offenders and The Criminal Justice System, by K. Jack Riley et al. 2002.
4. Drug Treatment in the Criminal Justice System, Executive Office of the President, Office of National Drug Control Policy, March 2001.
5. Substance Abuse and Mental Health Administration, Center for Substance Abuse Treatment, August 1999 Cost/Benefits Study.

**Alternatives to Incarceration Fact 2:**

Drug treatment programs for non-violent offenders are significantly less expensive than incarceration – Potential county jail operating cost savings.

<b>Texas County</b>	<b>Potential County Jail Operating Cost Savings</b>
Harris	\$1,284,375
Dallas	\$1,240,042
Bexar	\$893,991
Travis	\$359,765

• **Figure 6**

**Sources:**

1. Texas Expenditure History by Function, Texas Comptroller of Public Accounts.
2. Tony Fabelo, Ph.D., Impact on TDCJ Population of Proposed Changes in Criminal Justice Policies, March 17, 2003.
3. RAND organization, Drug Offenders and The Criminal Justice System, by K. Jack Riley et al. 2002.
4. Drug Treatment in the Criminal Justice System, Executive Office of the President, Office of National Drug Control Policy, March 2001.
5. Substance Abuse and Mental Health Administration, Center for Substance Abuse Treatment, August 1999 Cost/Benefits Study.
6. Texas Commission on Jail Standards, Jail Report Population Report, April 1, 2003.

### Alternatives to Incarceration Fact 3:

Reduction in existing sentences could produce immediate cost savings.

A **reduction** of the average sentence from **4.5** years to **4.0** years could....

...cut the prison population by approximately...

**18,000** inmates per year

....which would save the state over...

**\$113,000,000** per year.

#### • Figure 7

#### Sources:

1. Texas Expenditure History by Function, Texas Comptroller of Public Accounts.
2. Tony Fabelo, Ph.D., Impact on TDCJ Population of Proposed Changes in Criminal Justice Policies, March 17, 2003.
3. RAND organization, Drug Offenders and The Criminal Justice System, by K. Jack Riley et al. 2002.
4. Drug Treatment in the Criminal Justice System, Executive Office of the President, Office of National Drug Control Policy, March 2001.
5. Substance Abuse and Mental Health Administration, Center for Substance Abuse Treatment, August 1999 Cost/Benefits Study.
6. Texas Commission on Jail Standards, Jail Report Population Report, April 1, 2003.
7. Interviewees of criminal justice personnel.

### **Research Finding 3:**

**Implementing certain changes will allow the criminal justice system to be more effective.**

- Drug treatment program have been shown to reduce crime rates.
  - Yale researchers Mireiria Jofre-Bonet and Jodey L. Sindelar (2002), “*Drug treatment as a crime fighting tool*”, found that all else equal, drug treatment programs reduced the drug related crime rate by 54%.
- Texas drug court participants have significantly lower recidivism rates. (Figure 8)

**Alternatives to Incarceration Effectiveness Fact 1:**  
 Texas drug court participants have significantly lower recidivism rates.

Group	Two Year Arrest Rate	Two Year Incarceration Rate
Completed drug court program	19.50%	1.00%
Started but did not complete drug court program	48.60%	12.50%
Similarly situated non-drug court program offenders	46.90%	19.70%

• Figure 8

**Sources:**

1. Initial Process and Outcome Evaluation of Drug Courts in Texas, Criminal Justice Policy Council, January 2003.
2. Overview of Drug Courts in Texas, Criminal Justice Policy Council, January 2002.
3. Belenko, S. (2001). Research on drug courts: A critical review 2001 Update. The National Center on Addiction and Substance Abuse at Columbia University.
4. American University (2001). Drug court activity update: Composite summary information, May 2001. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Drug Court Clearinghouse and Technical Assistance Project.

### **Research Finding 4:**

**Alternatives to incarceration could generate local benefits for the state and individual counties as well as help reduce racial disparities in incarceration rates in the Texas criminal justice system**

- Alternatives to incarceration such as drug treatment programs can reduce the cost associated with criminal activity and related health care.
- Texas can also realize indirect non-monetary social benefits.
  - Reductions in the cost associated with separated families.
  - Reductions in ‘felon’ labor market stigma.